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TORTS—VEXATION—TELEGRAPH AND TELEPHONE.—The defendant telephone company disconnected the plaintiff's telephone, believing, as a result of a mistake in their accounting department, that the plaintiff had not paid his bill. The plaintiff brought suit for vexation, annoyance, and inconvenience. *Held*, that he should recover. *Southwestern Telegraph & Telephone Co. v. Riggs* (1919, Tex. Civ. App.) 216 S. W. 403.

This case is directly opposed to the general rule that damages will not be given for mere inconvenience and annoyance where there is no actual physical or mental injury. Mental injury for which recovery can be had must be more than mere vexation or loss of temper. See Sedgwick, *Damages* (9th ed. 1912) sec. 42, 46a; see also (1919) 28 YALE LAW JOURNAL, 508, 707, 713.

UNFAIR COMPETITION—SIMILARITY OF APPEARANCE—PAINTING TAXI.—The plaintiff had built up a prosperous taxicab business and was known by the color of his cabs. The defendant's cabs differed in minor points, but the bodies were of the same general shape, and had recently been painted the same color for the purpose of securing patronage. The plaintiff sued to enjoin the operation of such cabs by the defendant while so painted. *Held*, that an injunction should issue. *Taxi & Yellow Taxi Operating Co. v. Martin* (1919, N. J. Ch.) 108 Atl. 763.

This case seems sound and in accord with the tendency of the modern decisions. See (1919) 28 YALE LAW JOURNAL, 288.

WILLS—CONDITIONS—REMOVAL.—The testatrix provided that if her son "shall marry" a certain widow, his income by the will in question should be cut in half. The son married the widow subsequent to the execution of the will, but prior to the death of the testatrix, who had had immediate knowledge of the marriage. The decree of distribution allowed the son the full income. *Held*, that such decree was correct, because the marriage before the death of the testatrix removed the very contingency upon which the inhibition was to become effective. *In re Duffill's Estate* (1919, Calif.) 183 Pac. 337.

The court reasoned that since a will "speaks as at the death of the testator," and since there was nothing in the will by which the son's income was to be diminished in event of the marriage before the death of the testatrix, the will contemplated the possibility of marriage after the death. Such strict construction, while in accord with some respected authority, seems to defeat the intent of the testatrix. Although she knew of the marriage and did not revoke the will, she well might have thought the situation amply provided for.

WORKMEN'S COMPENSATION ACT—INJURY ARISING "OUT OF THE" EMPLOYMENT—VOLUNTARY ACT OF A COEMPLOYEE.—The decedent had been employed as a watchman and was in the performance of his duties. The fifteen year old office boy, finding a pistol on the desk in the next room, began to examine it to satisfy his curiosity. While he was so doing, the pistol was discharged and struck and killed the decedent. His dependants sought compensation. *Held*, that the injury arose "out of the" employment. *Marchiatello v. The Lynch Realty Co.* (1919, Conn.) 108 Atl. 799.

For discussion, see COMMENTS, *supra*, p. 669.